

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
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-v-

17-CR-548 (JMF)

JOSHUA ADAM SCHULTE,

ORDER

Defendant.

JESSE M. FURMAN, United States District Judge:

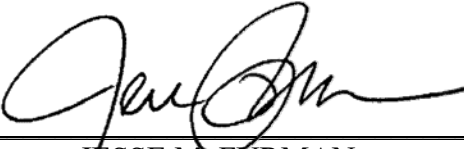
The jury reached a verdict in this case on July 13, 2022. As discussed thereafter, the Court will hold a status conference on **July 26, 2022, at 3:00 p.m.** Unless and until the Court orders otherwise, it will be held in the Court's usual courtroom: **Courtroom 1105** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York.

Attached to this Order are the following (with jurors' names and signatures redacted):

- Court Exhibit 1: a jury note received on July 8, 2022;
- Court Exhibit 2: a jury note received on July 8, 2022;
- Court Exhibit 3: the Court's response Court Exhibit 2;
- Court Exhibit 4: a jury note received on July 12, 2022;
- Court Exhibit 5: the Court's response to Court Exhibit 4;
- Court Exhibit 6: a jury note received on July 13, 2022;
- Court Exhibit 7: the Court's response to Court Exhibit 6;
- Court Exhibit 8: a jury note received on July 13, 2022;
- Court Exhibit 9: the Jury Verdict Form.

SO ORDERED.

Dated: July 14, 2022
New York, New York



JESSE M. FURMAN
United States District Judge

COURT EXHIBIT 1

Court Exhibit 1

We
Request a black marker
for charting.



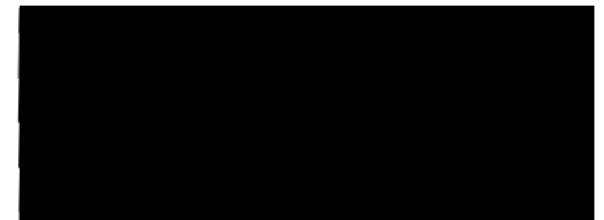
7/8/22
@ 12:22pm

COURT EXHIBIT 2

JURY NOTE

The Jury request the transcripts of witness #3 ^{Count Exhibit 2}
Leabon testimony.

Date: 6/8/22
Time: 1:00 Am



// Foreperson's signature

COURT EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET, ROOM 2202
NEW YORK, N.Y. 10007

JESSE M. FURMAN
United States District Judge

(212) 805-0282
Jesse_furman@nysd.uscourts.gov

July 8, 2022

To the Members of the Jury:

We received your note requesting the testimony of Mr. Leedom. We have loaded a copy of the transcript (redacted to remove anything that is not evidence) on the electronic system. We are in the process of making six physical copies of the transcript for you as well.

Thank you for your patience.

Thank you,

Judge Furman

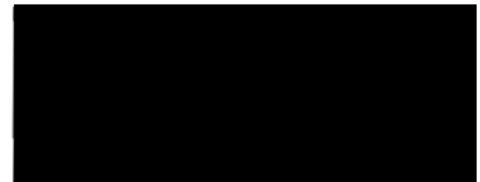
COURT EXHIBIT 4

Court Exhibit 4

JURY NOTE

Jury has question to Judge. Can you Clarify pg 28 Lines 18-22. Jury is uncertain as to what it means. Also, the Jury requests the transcripts of Berger.

Date: 7/12/22
Time: 9:45 Am



Foreperson's signature

COURT EXHIBIT 5

United States v. Schulte, 17 Cr. 548 (JMF)
ANSWER TO JURY NOTE
July 12, 2022

You asked me to clarify Page 28, Lines 18-22. I assume you mean Page 28, Lines 18-22 of the jury instructions, which addresses the need to distinguish — for purposes of Count Four, which charges the defendant with attempted illegal transmission of unlawfully possessed national defense information or NDI — between mere preparation, on the one hand, and the actual doing of a criminal deed, on the other.

As I instructed you, to find that the defendant is guilty of Count Four, you must find that the Government has proved beyond a reasonable doubt that (1) the defendant had the intent to commit the crime of illegally transmitting NDI (the elements of which I explained to you in connection with Counts Two and Three); and (2) the defendant engaged in conduct amounting to a substantial step towards the commission of the crime.

For the defendant to have taken a “substantial step,” he must have engaged in more than mere preparation, but may have stopped short of the last act necessary for the actual commission of the substantive crime. Put differently, a defendant may be convicted of attempt even where significant steps necessary to carry out the substantive crime are not completed. A substantial step is conduct planned to culminate in the commission of the substantive crime being attempted.

In evaluating whether the defendant took a substantial step, you may give weight to that which has already been done as well as that which remains to be accomplished before commission of the substantive crime. Additionally, the substantial step need not itself be criminal, but it must be one necessary to the consummation of the crime and be of such a nature that, viewing it in context, you conclude beyond a reasonable doubt that it was undertaken in accordance with an intent to commit the crime.

I hope that answers your question.

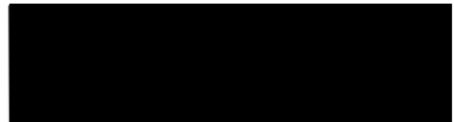
COURT EXHIBIT 6

JURY NOTE

The jury needs help finding the subpoena about the federal
proceedings. Can you pinpoint this for us? ^{Can't exhibit 6}
It may help also if we ~~recall~~ had ^{agent} FBI Evanovich's testimony.

Date: 7/13/22

Time: 12:12 pm



Foreperson's signature

COURT EXHIBIT 7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET, ROOM 2202
NEW YORK, N.Y. 10007

JESSE M. FURMAN
United States District Judge

(212) 805-0282
Jesse_furman@nysd.uscourts.gov

July 13, 2022

To the Members of the Jury:

We received your note of earlier this afternoon, which asks for “help finding the subpoena about the federal proceedings” and for the testimony of Agent Evanchec. With this note, I am providing you with six copies of the transcript of Agent Evanchec’s testimony, which is also now available on your electronic system. Agent Evanchec’s testimony about serving Mr. Schulte with grand jury subpoenas appears on pages 210 and 310 of the transcript; the subpoenas themselves are not in evidence. If that does not answer your question, please let us know.

Thank you,

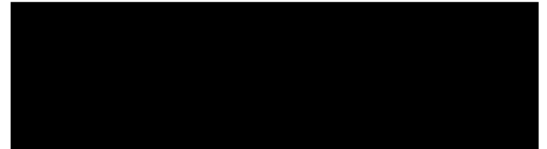
Judge Furman

COURT EXHIBIT 8

JURY NOTE

We the Jury have found a verdict
On all 9 counts.

Date: 7/13/22
Time: _____



Foreperson's signature

COURT EXHIBIT 9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JOSHUA ADAM SCHULTE,

Defendant.

17 Cr. 548 (JMF)

VERDICT FORM

All Answers Must Be Unanimous

Count One: Illegal Gathering of NDI (2016)

Not Guilty _____ Guilty ☒

Count Two: Illegal Transmission of Unlawfully Possessed NDI (2016)

Not Guilty _____ Guilty ☒

Count Three: Illegal Transmission of Unlawfully Possessed NDI (2018)

Not Guilty _____ Guilty ☒

Count Four: Attempted Illegal Transmission of Unlawfully Possessed NDI (2018)

Not Guilty _____ Guilty ☒

Count Five: Unauthorized Access to a Computer to Obtain Classified Information (2016)

Not Guilty _____ Guilty ☒

Count Six: Unauthorized Access to a Computer to Obtain Information from a Department or Agency of the United States (2016)

Not Guilty _____ Guilty ☒

Count Seven: Causing Transmission of a Harmful Computer Program, Information, Code, or Command (Manipulation of the State of the Confluence Virtual Server) (2016)

Not Guilty _____ Guilty ☒

Continue on the Next Page

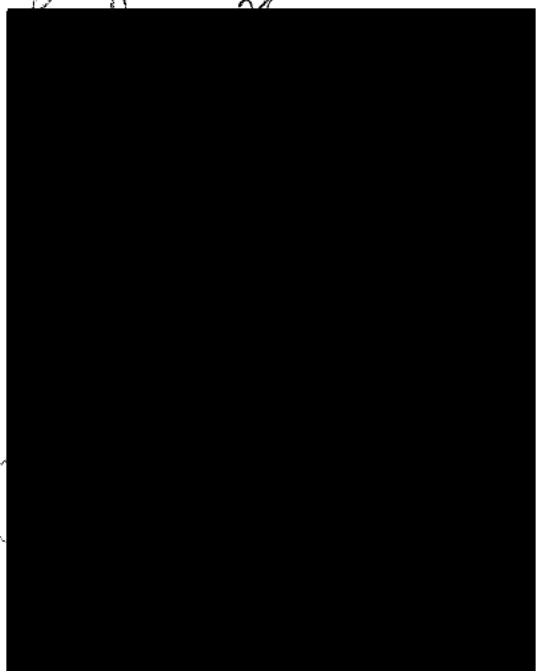
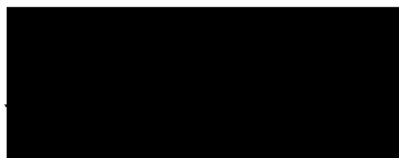
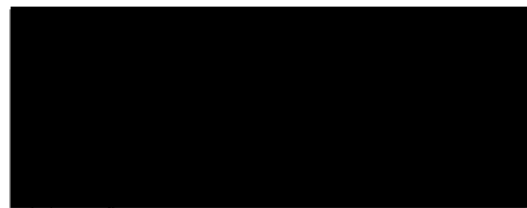
Count Eight: Causing Transmission of a Harmful Computer Program, Information, Code, or Command (Deletion of Log Files) (2016)

Not Guilty _____ Guilty ☒

Count Nine: Obstruction of Justice (2017)

Not Guilty _____ Guilty ☒

After completing the Verdict Form, please sign your names in the spaces provided below, fill in the date and time, and inform the Court Security Officer that you have reached a verdict.



Date and Time:

7/3/22 - 3:28 pm

Once you have signed the Verdict Form, please give a note — NOT the Verdict Form itself — to the Court Security Officer stating that you have reached a verdict.